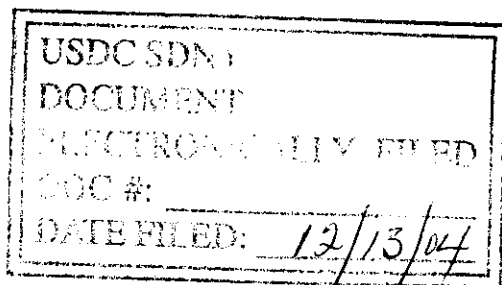


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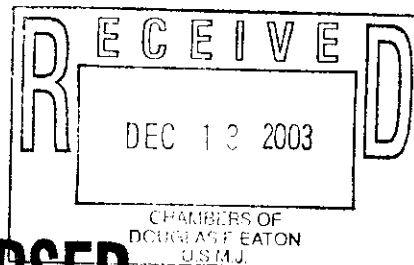
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December 13, 2004

By Facsimile (212) 805-6181

The Honorable Douglas F. Eaton
United States District Court for the
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007



MEMO ENDORSED

Re: Vonage Holdings Corp. v. The New York State Public Service Commission,
et al., 04 Civ. 4306 (DFE) (ECF CASE)

Dear Judge Eaton:

In anticipation of our 4:00 p.m. telephone status conference today, I write to advise that my client, Plaintiff Vonage Holdings Corp. ("Vonage"), intends to renew its motion for a permanent injunction. In conjunction therewith, Vonage wishes to submit a renewed motion, with a supporting memorandum that addresses the impact on its motion of the Federal Communications Commission's recent order in *Vonage Holdings Corp. Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, Memorandum Opinion and Order, WC Docket No. 03-211 (Rel'd Nov. 12, 2004). I have discussed Vonage's plan with Jonathan Feinberg, counsel for the New York Public Service Commission, and with Assistant United States Attorney Sara Light who represents the United States and the FCC. We have jointly agreed to a proposed briefing schedule on that renewed motion for the Court's consideration. It is as follows:

- December 20, 2004: Vonage's Renewed Motion for a Permanent Injunction and Supporting Memorandum Due
- January 28, 2005: The NYPSC's Response to Vonage's Renewed Motion Due
- February 11, 2005: The United States and FCC's Amicus Reply to Vonage and NYPSC briefs Due

Honorable Douglas F. Eaton
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MEMO ENDORSED

February 25, 2005: Vonage's Combined Reply to NYPSC brief and United States and FCC's Amicus brief, and NYPSC's Reply to United States and FCC's Amicus brief Due

The simultaneous February 25, 2005 reply briefs date was agreed to with the understanding that Vonage may seek leave to file a Surreply if it believes the NYPSC has raised new arguments in its February 25, 2005 reply to which Vonage has not had an opportunity to respond.

I have arranged for a telephone conference call in number that I have supplied to Mr. Feinberg and Ms. Light (for the record, the information is 1-800-928-6351, participant passcode 8628503). Once all counsel are present on the phone at 4:00 p.m., we will jointly initiate the call to your Chambers.

Respectfully submitted:



Ky E. Kirby
(202) 424-7795

cc: Jonathan Feinberg, Esq. (by facsimile)
Sara Light, Esq. (by facsimile)
Yun Lee, Esq. (by facsimile)

12/13/04 - At today's telephone conference,
I approved this proposed briefing schedule.
I said I doubt that I will hear oral
argument, but any party may request it.

